

FILED

OCT 22 2010

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

No. 3:10-CV-45

Phillips/Shirley

NOTICE OF REMOVAL OF ACTION

PLEASE TAKE NOTICE that, Progressive Direct Insurance Company, the only named defendant in the above cause, pursuant to 28 U.S.C § 1446, hereby removes to the United States District Court the above-captioned action from the Union County Circuit Court, at Maynardville, Tennessee, Docket No. 2846. In support thereof, would show unto the Court as follows:

1. On July 30, 2010, a civil action was commenced in the Union County Circuit Court at Union, Tennessee, styled Pamela Collins v. Progressive Direct Insurance Company, Docket No. 2846, (True and correct copies of the pleadings served on Defendant are attached hereto as **Exhibit A** and incorporated by reference herein.)

2. Defendant first received notice of this action on or about September 29, 2010, at which time a copy of the Summons and Complaint was served by certified mail on CT Corporation. A second copy of the Summons and Complaint was served on CT Corporation by hand delivery on October 4, 2010. No other process, pleadings or orders have been served on Defendant in this action.

3. Defendant has not yet served a responsive pleading or motion in this case.

4. This lawsuit involves claims for breach of contract and under the Tennessee Consumer Protection Act wherein the Plaintiff seeks recovery from the Defendants under an automobile policy of insurance.

5. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332. The Plaintiff is a citizen of the Union County, Tennessee. The Defendant, Progressive Direct Insurance Company, is a corporation incorporated under the laws of Ohio having its principal place of business in Cleveland, Ohio. Therefore, the parties are diverse pursuant to 28 U.S.C. § 1332.

6. Plaintiff has demanded judgment against Defendant in the amount of \$150,000.00. Therefore, the amount in controversy exceeds \$75,000.00, the statutory minimum required for diversity jurisdiction pursuant to 28 U.S.C. § 1332.

7. This Notice of Removal is filed within the statutory period required by 28 U.S.C. § 1446.

8. Since this civil action is now pending in the Union County Circuit Court in Union County, Tennessee, the Eastern District of Tennessee, at Knoxville, Tennessee, is the proper forum for removal pursuant to 28 U.S.C. § 1441(a).

9. Written notice of the filing of this Notice of Removal of the above-referenced action shall be promptly delivered to all parties through their counsel of record. A copy of the Notice of Removal will be filed promptly with the Clerk of the Union County Circuit Court.

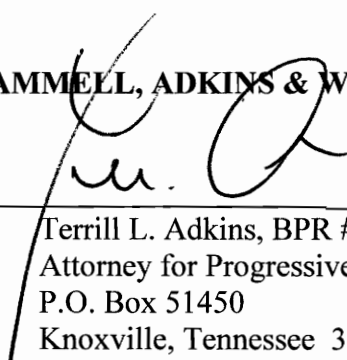
WHEREFORE, Defendant Progressive Direct Insurance Company requests that this Court take jurisdiction of this action and issue all necessary orders and process to remove said action from

the Union County Circuit Court, Tennessee, to the United States District Court for the Eastern District of Tennessee at Knoxville.

Respectfully submitted,

TRAMMELL, ADKINS & WARD, P.C.

By


Terrill L. Adkins, BPR #013138
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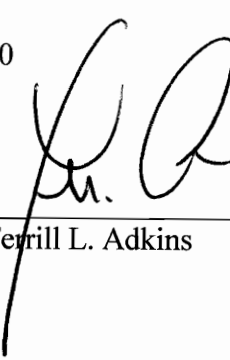
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served on all parties herein by delivering same or by posting same in the United States Mail, postage prepaid, to:

Dirk A. Daniel, Esq.
P.O. Box 6
Rutledge, TN 37861-0006

This 22nd day of Oct., 2010

By:


Terrill L. Adkins